

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALFRED CLARK,

Case No.: 2:18-cv-02241-APG-BNW

Plaintiff

Order Granting Motion to Expunge Lis Pendens

V.

NEW CENTURY MORTGAGE
COMPANY, et al.,

[ECF No. 50]

Defendants

9 The defendants move to expunge the notice of lis pendens that plaintiff Alfred Clark
10 recorded against the subject property. No. 50. Clark did not file an opposition to the motion.
11 Local Rule 7-2(d) provides that the “failure of an opposing party to file points and authorities in
12 response to any motion . . . constitutes a consent to the granting of the motion.” In addition, the
13 defendants’ motion demonstrates good cause to expunge the lis pendens.

14 A notice of lis pendens is a notice of a pending lawsuit affecting real property recorded in
15 the county in which the property is located. Nev. Rev. Stat. § 14.010. Because I dismissed this
16 action on September 10, 2019 (ECF No. 31), no lawsuit remains pending to support the notice of
17 lis pendens so it should be expunged. Nev. Rev. Stat. § 14.015. I therefore grant the motion and
18 order the cancellation of the notice of lis pendens. Because Clark has refused requests to
19 expunge the lis pendens so far, any of the defendants may record a copy of this order with the
20 Clark County Recorder's office. Nev. Rev. Stat. § 14.015(5). This cancellation has the same
21 effect as an expungement of the original notice. *Id.*

Further, I grant the defendants' request for an award of their attorneys' fees incurred in connection with their motion to expunge the lis pendens. After I dismissed this case, Clark had

1 no basis to maintain his lis pendens and should have expunged it long ago. The defendants
2 should not have had to pursue this motion to get that relief. Fees are justified under Nevada
3 Revised Statutes § 18.010(2).

4 I THEREFORE ORDER that the defendants' motion to expunge lis pendens (**ECF No.**
5 **50**) is GRANTED. The notice of lis pendens recorded against the subject property on
6 November 21, 2018 as Instrument Number 20181121-0002201 is canceled.

7 I FURTHER ORDER that any defendant may record a copy of this order with the Clark
8 County Recorder's Office. This cancellation has the same effect as an expungement of the
9 original notice.

10 I FURTHER ORDER that the defendants' request for an award of their attorneys' fees is
11 granted. The defendants may file a brief detailing their fees incurred in connection with their
12 motion in compliance with Fed. R. Civ. P. 54(d)(2)(B), Local Rule 54-14, and *Brunzell v.*
13 *Golden Gate National Bank*, 455 P.2d 31, 33 (Nev. 1969). That brief must be filed by January
14 10, 2025 and served on Clark.

15 DATED this 20th day of December, 2024.

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18 ANDREW P. GORDON
19 CHIEF UNITED STATES DISTRICT JUDGE
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